

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CONSUMER FINANCIAL PROTECTION BUREAU**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:16-cv-00356-WHB-JCG**

**ALL AMERICAN CHECK CASHING, INC.;  
MID-STATE FINANCE, INC.; and  
MICHAEL E. GRAY, individually**

**DEFENDANTS**

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**PLAINTIFF'S FIRST MOTION TO COMPEL DISCOVERY RESPONSES**

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Plaintiff, Consumer Financial Protection Bureau ("Bureau" or "Plaintiff"), hereby moves the Court, pursuant to Federal Rule of Civil Procedure 37, for an Order compelling production of documents by Defendants All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray ("Defendants"). In support of this Motion, the Bureau states:

1. Defendants object to producing audio recordings of consumer complaints, although these recordings are responsive to the Bureau's Document Request 3 and relevant to the Bureau's claims.

2. Defendants object to producing documents created before May 11, 2013, which Defendants assert is the cut-off date for any relevant documents in this litigation, despite the fact that these documents are responsive to many of the Bureau's Requests for Production of Documents and relevant to the Bureau's claims.

3. Defendants produced documents in a manner that violates the Case Management Order's requirement that ESI be produced in either "native format or in a

reasonably usable and searchable PDF format.” Case Management Order, ECF No. 21, p. 3, Section 6(E).

For these reasons, and the ones set forth in the Bureau’s Memorandum Brief filed contemporaneously with this Motion, the Bureau respectfully requests that the Court enter an Order requiring Defendants to: (1) produce audio recordings of voicemail messages from consumers concerning Defendants’ services, which include consumer complaints, as requested in Document Request 3; (2) produce documents in response to the Bureau’s Requests for Production of Documents that date back to July 21, 2011; and (3) produce electronically stored information (ESI) in either native format or in a reasonably usable and searchable format, including sufficient information to determine where one document begins and another one ends, whether a document is an attachment to an email or a stand-alone document, and the document’s metadata, such as the creation date and author.

Dated: November 21, 2016

Respectfully submitted,

CONSUMER FINANCIAL PROTECTION BUREAU

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2016, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record, including the following:

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